



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONTE McCLELLON,

Petitioner,

-against-

E. RICKARD, Warden of FCI Otisville; and
COLETTE PETERS, Director of Federal Bureau
of Prisons

Respondents.

24-CV-10053 (VSB) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Petitioner Donte McClellon commenced this action on December 20, 2024 by filing a habeas corpus petition, pursuant to 28 U.S.C. § 2241, in which he named E. Rickard, Warden of FCI Otisville, as the sole respondent. (Dkt. 1.) On March 18, 2025, Assistant U.S. Attorney Leslie A. Ramirez-Fisher filed a notice of appearance on behalf of respondent Rickard. (Dkt. 9.) In a supplemental petition, received by the pro se office on February 26, 2025, petitioner added Colette Peters, the former Director of the Federal Bureau of Prisons (BOP), as a respondent. (Dkt. 17.) On March 19, 2025, the Hon. Vernon S. Broderick, United States District Judge, referred this action to me for general pretrial management and report and recommendation. (Dkt. 12.) On April 4, 2025, Judge Broderick ordered that the supplemental petition at Dkt. 17 "be construed as an Amended Petition in this matter," and directed the Clerk of Court to add Peters as a respondent in this action. (Dkt. 18.)

On April 8, 2025, AUSA Ramirez-Fisher filed a memorandum in opposition to the original habeas petition, on behalf of respondent Rickard only, along with a supporting declaration. (Dkts. 19, 20.) The Court notes that the docket entries for the opposition papers, and the certificates of service at Dkts. 22 through 24, denote that they were filed on behalf of both Rickard and Peters. To date, however, no attorney has filed any document or made an appearance on behalf of respondent Peters.

The Court further notes that the current Director of the BOP is William K. Marshall III. It is unclear to the Court whether E. Rickard is the current Warden of FCI Otisville.

On April 21, 2025, petitioner McClellon filed a reply in support of his habeas petition. The reply bears the amended case caption naming both respondents, and petitioner refers to both respondents in the reply. (*Id.*) Thereafter, by letter dated May 5, 2025, petitioner notified the Court that he has been transferred to FDC SeaTac, and requested a print-out of the docket sheet in this case. (Dkt. 26 at 1, 2.)

It is hereby ORDERED that:

1. William K. Marshall III is substituted as a respondent in this action, in place of Colette Peters, pursuant to Fed. R. Civ. P. 25(d).

2. **No later than May 23, 2025**, AUSA Ramirez-Fisher must update the Court as to whether her office represents both respondents (and whether Dkts. 19 and 20 should be construed as having been filed on behalf of both). Additionally, AUSA Ramirez-Fisher must identify the current warden of FCI Otisville so that the docket can be further updated if required.
3. The Clerk of Court is respectfully instructed to:
 - a. Update petitioner's address on the docket as follows:

Donte McClellon
BOP Reg. # 06316-510
Federal Detention Center SeaTac
P.O. Box 13900
Seattle, Washington 98198
 - b. Mail to petitioner a current copy of the docket sheet in this action.
 - c. Substitute William K. Marshall III for respondent Colette Peters.

Dated: New York, New York
May 16, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge